

REMARKS

Reconsideration of this application is requested.

The claims pending in the application are claims 1-5, 7-14 and 18-19.

Claim 11 has been amended to obviate the Examiner's Section 112, 2nd ¶ rejection thereof.

Claim 10 has also been amended to conform with conventional Markush language.

The Examiner is requested to reconsider the Section 103(a) rejection of claims 1-5, 7-14 and 16-19 as unpatentable over WO 08/02953 ("Avecia") in view of Greene et al. The references do not make the applicants' invention obvious. There is nothing in either of the Examiner's references to suggest the applicants' invention or to motivate one to make the applicants' invention.

The applicants do not disagree with the Examiner's characterization of the Avecia teaching. Furthermore, the applicants do not disagree with the Examiner's contention that trityl protecting groups are well known hydroxy protecting groups. However, the applicants do not agree with the Examiner's conclusion that it would have been obvious to the skilled person to employ trityl (or similar poly-aryl methane) groups in the Avecia monomers.

The Examiner contends that the trityl group is chemically analogous to the phenyl alkyl groups (such as benzyl) taught by Avecia. However, this is clearly not so in the case of hydroxy protecting groups. Phenylalkyl groups such as benzyl are removed from hydroxy groups (removal being a key function of a protecting group) by hydrogenation. Trityl groups are not removed by hydrogenation, but by acid cleavage. Fundamentally, therefore, trityl groups are not chemically equivalent to phenyl alkyl groups and this is not simply a semantic difference. The reason poly-aryl methane protecting groups are readily cleaved is because the poly-aryl methyl substitution pattern is extremely effective at stabilizing what would otherwise be a highly unstable (and hence thermodynamically unfavored) electron-deficient species, normally a trityl cation. Conditions suited to the formation of electron-deficient species are, therefore, liable to cause deprotection of the poly-aryl methane groups. The conditions taught for the polymerization of monomers in Avecia are specifically intended to generate electron deficient species in the form of free radicals: see page 4, lines 22-25. Accordingly, it is submitted that the skilled person reading the Avecia disclosure would not contemplate the employment of poly-


aryl methane protecting groups.

In brief, Avecia provides no motivation for the skilled person to employ poly-aryl methane protecting groups for the applicants' monomers or in the practice of the Avecia invention. It is submitted that, based on the full teaching of the Avecia reference, and without the benefit of knowledge of the teaching of the present invention, the skilled person would not consider taking the step of using poly-aryl methane protecting groups for the applicants' monomers and their polymerization because the skilled person would have real concerns about the ability of the poly-aryl methane group to remain attached under the polymerization conditions employed to produce the polymers taught by the Avecia reference. Accordingly, the applicants respectfully submit that the invention defined by the currently rejected claims would not have been obvious to the skilled person from Avecia with or without Greene.

For the reasons indicated, favorable reconsideration with allowance is requested.

Respectfully submitted,

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